

GOVERNOR'S OFFICE FOR CHILDREN, YOUTH, AND FAMILIES
DIVISION FOR CHILDREN

ARIZONA JUVENILE JUSTICE COMMISSION

**Plan for Removal of Status Offenders and Non-Offenders
from Secure Detention and Correctional Facilities**

Introduction

Arizona continues to receive a finding of compliance with de minimis exceptions regarding the Deinstitutionalization of Status Offender (DSO) requirement [Section 223(a)(12)(A)] of the JJDP Act. With the significant enhancement of the compliance monitoring process over the past two years (described in detail in the Plan for Compliance Monitoring), Arizona now has accurate data to define the types of offenders that are resulting in DSO violations. This allows potential resolution to specific instances of non-compliance.

The improvement of the compliance monitoring process has had a significant impact on the number of violations reported. A major factor in the increase of DSO violations over the past two years has been the enhancement of juvenile detention center reporting. Each county either has completed or is currently conducting redesign of their monthly detention review process. The revised process now encompasses detentions not previously considered in DSO compliance reports, such as violations of probation and warrants (possible Valid Court Order exception cases), Federal Wards, and courtesy holds for Native American reservations. This was not the case as recently as two years ago.

Description of Arizona's DSO Compliance Status

As illustrated in Arizona's 2002 Compliance Monitoring Report, 402 (72%) of the 561 DSO violations occurred in county juvenile detention facilities. Of the 402 violations in juvenile detention centers, 248 (62%) of these violations were Federal Wards or out-of-state runaways. Of the remaining 154 violations, 114 (28%) were possible VCO cases. **This data demonstrates that 90% of the juvenile detention center violations in 2002 were possible exceptions to the DSO core requirement.**

However, because Arizona's juvenile courts do not currently have a process in place to ensure all elements of the Valid Court Order Checklist are met as defined by the Act, these detentions had to be reported as violations.

The remaining 28% (159) of Arizona's total DSO violations resulted from status offenders secured in adult jails or lockups. Of these violations, 58% were in apparent violation of Arizona's State law. Factors that affect adult lockup compliance with the DSO mandate are primarily officer safety matters and training issues.

Plan to Address DSO Violations

As a result of more accurate data, Arizona is now able to tailor a strategy to target cases that are presenting as violations. Key approaches designed to reduce Arizona's DSO violations during the January 2003 - January 2006 time frame will include:

1. Develop a process to implement the **Valid Court Order Exception** (as defined in the 21st Century Justice Appropriations Act of 2001) in Arizona's juvenile courts (modifying juvenile court procedures when necessary) so this exception may be utilized as soon as approved by OJJDP;
2. Increase **technical assistance and training** to facilities, with increasing efforts in localities/agencies that have been identified as having frequent DSO violations; and,
3. Maintain **prioritization of JJDP Act funding** for programs that address DSO issues.

Detailed plans for each of these areas are provided below.

1. Valid Court Order Exception

Possible Valid Court Order (VCO) Exception cases comprised 28% of Arizona's DSO violations in the 2002 reporting year. However, these cases could not qualify as exceptions since Arizona's juvenile courts do not have a formal process in place to meet all the VCO criteria. In previous years, Arizona has been ineligible to utilize the VCO Exception because of the language requiring the report to the court be prepared by "a public agency other than a court or law enforcement agency." In the 2002 reauthorization of the Act, this specific language was eliminated from the VCO requirement, thereby clearing a path for Arizona to develop a process to claim VCO exceptions.

➤ Strategy, Specific Activities, and Time Frame

With the understanding that Arizona will be eligible to implement the revised VCO checklist once final regulations regarding its use are issued by OJJDP, the Governor's Division for Children has begun seeking input from all presiding juvenile court judges regarding current court processes.

The following table describes specific strategies, activities, and time frames outlined to achieve implementation of the VCO process in Arizona's juvenile courts:

Strategy	Activity	Time Frame
Gap Analysis	<ul style="list-style-type: none"> ➤ Survey to juvenile court presiding judges to request information regarding current court practices and where modifications may need to be made 	Completed by March 2003
Research to Determine Possible Scope of Use	<ul style="list-style-type: none"> ➤ Identify time frame of cases to review ➤ Work with Juvenile On-Line Tracking System (JOLTS) coordinators to pull case information ➤ Review number of cases that may fall under VCO Exception 	Completed by September 2003
Determine Court Process Modification and Feasibility (if applicable)	<ul style="list-style-type: none"> ➤ Review feedback from courts and gaps identified ➤ Review research to determine scope of possible VCO cases ➤ Work with Administrative Office of the Courts and each county juvenile court to determine fiscal impact of court process modification and identify fiscal resources, if applicable ➤ Identify appropriate solutions and discuss detention alternative options in community 	Completed by December 2003
Development of Standardized Forms to Document Court Compliance with VCO Checklist	<ul style="list-style-type: none"> ➤ Review revised Federal regulations regarding VCO Exception and OJJDP checklist ➤ Develop form based on required criteria 	Time frame for completion to be determined based upon issuance of VCO regulations of reauthorization language by OJJDP
Implement Use of VCO Exception in Counties Where Deemed Appropriate	<ul style="list-style-type: none"> ➤ Disseminate VCO verification form to courts that will be utilizing the exception ➤ Conduct training with hearing officers to identify which cases may qualify 	Time frame for implementation to be determined based upon approval of use by OJJDP

2. Technical Assistance/Training

As described in the Plan for Compliance Monitoring, over the past year and a half, significant progress has been made in the participation of facilities in the reporting process and the number of site visits conducted. Arizona is confident that monitoring of its full compliance universe is now occurring.

The number of adult jails and lockups reporting rose from 27% in FY2000 to over 95% in FY2001 and almost 98% in FY2002; the number of juvenile detention centers reporting went from 64% to 100% and remains there through the FY2002 reporting year. Increased reporting has provided more accurate data such that training and technical assistance is being targeted to facilities reporting compliance violations.

Annual site visits to juvenile detention centers rose from 71% in FY2000 to 100% in FY2002; Site visits to adult jails and lockups went from visits to 19% of the total universe in FY2000 to 90% of the total universe in FY2002. With the completion of these site visits in the 2002 reporting year, all law enforcement agencies and juvenile detention centers currently in the Compliance Monitoring Universe have received site visits and have been advised of their reporting requirements since the initiation of the enhanced compliance monitoring process in early 2001. Increased site visits have provided greater opportunity to provide training on compliance with the core requirements.

➤ Strategy, Specific Activities, and Time Frame

The following table describes specific strategies, activities, and time frames outlined to address training and technical assistance needs for addressing DSO violations in Arizona:

Strategy	Activity	Time Frame
Continue Site Visits	<ul style="list-style-type: none">➤ Continue to conduct regular site visits to provide regular, on-site technical assistance and education regarding core requirements➤ Advise regarding new facility plans to assure compliance with core requirements➤ Collect policies to ensure consistency	<ul style="list-style-type: none">➤ Continuous
Develop Training Materials	<ul style="list-style-type: none">➤ Develop a training manual for law enforcement agencies/juvenile detention agencies regarding core requirements➤ Develop survey to distribute to law enforcement/juvenile detention to determine training needs	<ul style="list-style-type: none">➤ Manual completion to be determined based on regulations for reauthorization➤ Survey completion by March 2004

Strategy	Activity	Time Frame
Provide Facility-Specific Training Tools	<ul style="list-style-type: none"> ➤ Utilize survey results to determine what facility-specific needs are ➤ Develop training tools for agency (signs, manual supplements, etc.) to assist department with training efforts 	<ul style="list-style-type: none"> ➤ Utilize results of survey – estimated completion by December 2004 (will depend upon facility responses and depth of needs)
Conduct Immediate Follow-up on Violations Reported	<ul style="list-style-type: none"> ➤ Phone/Email follow-up to determine circumstances of violation and any necessary follow-up activities (department training, etc.) 	<ul style="list-style-type: none"> ➤ Continuous
Enhancement of Database to Collect Violation Circumstances	<ul style="list-style-type: none"> ➤ Add fields in the Compliance Monitoring Universe database to collect information regarding situations causing violations to identify areas of focus to prevent future violations 	<ul style="list-style-type: none"> ➤ Enhancement of Database Completed by July 2003

3. Maintain Prioritization of JJDP Act funding for Programs Addressing DSO

Arizona continues to devote much time and attention to the issue of complying with the core requirements, especially DSO. This is evident by the funding priorities established by Arizona's State Advisory Group, the Arizona Juvenile Justice Commission. Shown below is recent Three-Year Plan budget summaries for the core requirements.

Three-Year Plan	Funding for Compliance Monitoring	Funding for DSO	Funding for Jail Removal	Funding for Separation	Funding for DMC
2000 Plan	35,850	35,820	35,820	35,820	143,280
2001 Update	35,100	161,250	35,100	35,100	134,500
2002 Update	58,000	161,338	100,000	58,000	161,337
2003 Plan	44,900	269,900	84,900	22,075	89,900
Total Dollar Increase from FY 00 to 03	+ 9050	+ 234,080	+49,080	-13,745	-53,380

Numerous programs have been funded using Title II, V, and Challenge dollars to assist Arizona in its effort to reduce DSO violations. Many programs have been specifically designed as alternatives to detention and diversion from the formal court process for status offenders, thereby avoiding detention in the juvenile detention center. Examples of some of these programs are outlined below:

- **Maricopa County Juvenile Court – Project SOAR (Status Offender Alternative Response) [Maricopa County]:** Juvenile Probation alternative program to divert status offenders from the formal court system and detention.
- **Maricopa County Juvenile Court – FINS (Families in Need of Services) Unit [Maricopa County]:** Streamlines the process the juvenile court uses to deal with status offenders to divert them from the formal court process; supports a Family Reunification and Assessment Specialist, Intervention Specialists, and Mediators to provide services to status offenders and their families.
- **Prehab of Arizona – Mayfield Center [Maricopa County/East Valley]:** Crisis intervention services and community-based diversion program; Serves as an alternative to detention for law enforcement.
- **Westside Social Services/Prehab - Juvenile Alternatives in Glendale (JAG Center) [Maricopa County/West Valley]:** Crisis intervention services and a community-based diversion program; Serves as an alternative to detention for law enforcement.
- **Open Inn – Center for Juvenile Alternatives [Pima County]:** Crisis intervention services and a community-based diversion program; Serves as an alternative to detention for law enforcement; Provides community outreach services regarding the alternative center and how use can assist with maintaining compliance with the JJDP Act.
- **Open Inn – Alternative Center for Family-Based Services [Coconino County]:** Crisis intervention services and a community-based diversion program; Serves as an alternative to detention for law enforcement.
- **Open Inn – Turning Point [Yavapai County]:** Crisis intervention services and a community-based diversion program; Serves as an alternative to detention for law enforcement.
- **Tumbleweed Center for Youth Development – Open Hands Program [Maricopa County]:** Emergency shelter and counseling services for court-referred non-system youth, which includes status offenders (incorrigibles, runaways).
- **Northland Family Help Center [Coconino County]:** Provides prevention and shelter services for non-adjudicated minors and their families, and serves as diversion from the formal juvenile court process.

Barriers to Achieving Full Compliance with DSO

Barrier	Possible Courses to Overcome	Resources
<ul style="list-style-type: none"> ➤ A.R.S. § 8-305 provides for the secure detention of status offenders (incorrigibles) in juvenile detention facilities 	<ul style="list-style-type: none"> ➤ Judges have expressed inclination to utilize alternatives when available; focus on training of hearing officers about available alternatives and identifying areas in need of additional alternatives ➤ Implement a VCO process, as a significant portion of detentions that are DSO violations are juveniles on probation for status offenses and failure to obey court orders 	<ul style="list-style-type: none"> ➤ JJDP Title II and V (priority given to programs for alternatives to detention in each Request for Grant Application) ➤ Explore county resources for alternatives ➤ OJJDP technical assistance and training when necessary
<ul style="list-style-type: none"> ➤ A.R.S. § 4-246 defines the offense of minor in possession or consumption of alcohol (reference A.R.S. § 4-244) as a delinquent offense; JJDP Act regulations classify this as a status offense 	<ul style="list-style-type: none"> ➤ Implement a VCO process, as minor in possession violations usually present as violations of probation, with possession as the original charge ➤ Continue to reinforce to law enforcement/juvenile court that OJJDP defines minor in possession charges as a status offense and DSO time restrictions apply 	<ul style="list-style-type: none"> ➤ OJJDP training and technical assistance on implementation of the VCO exception ➤ JJDP Title II funds used to support compliance monitoring activities, such as regular site visits and production/distribution of training materials
<ul style="list-style-type: none"> ➤ Arizona does not currently have a process in place to meet all requirements of the valid court order (VCO) checklist; therefore, detentions that may be eligible to be in this category must currently be reported as violations. 	<ul style="list-style-type: none"> ➤ As defined in the DSO plan section, work with county juvenile courts and develop plans to implement this process (where applicable) once approval from OJJDP is received and final guidelines on the reauthorization have been received 	<ul style="list-style-type: none"> ➤ OJJDP training and technical assistance on implementation of the VCO exception ➤ JJDP Title II funds for support of compliance monitoring activities, such as site visits regarding implementation and development/distribution of checklist

Barrier	Possible Courses to Overcome	Resources
<ul style="list-style-type: none"> ➤ Alternatives to detention are not always readily available and/or sustainable in communities 	<ul style="list-style-type: none"> ➤ Work with communities to identify needs/best practices 	<ul style="list-style-type: none"> ➤ JJDP Title II and V (priority given to programs for alternatives to detention in each Request for Grant Application) ➤ Explore county resources for alternatives ➤ OJJDP technical assistance training regarding sustainability of programs, specifically in rural areas
<ul style="list-style-type: none"> ➤ Each of the 15 counties has different resources to respond to the needs of status offenders and delinquency prevention 	<ul style="list-style-type: none"> ➤ Work with communities to define needed alternatives to detention (curfew times, runaways, alcohol, etc.) and educate them as to how JJDP funds may be utilized to initiate these programs 	<ul style="list-style-type: none"> ➤ JJDP Title II and V (priority given to programs to support compliance with DSO mandate in Request for Grant Application) ➤ Explore county resources to address status offenders in community ➤ OJJDP technical assistance training regarding best practices and utilizing existing resources to address status offenders
<ul style="list-style-type: none"> ➤ Federal Wards and Out-of-State runaway violations are not removed until a State is over the federal non-compliance rate. As Arizona's juvenile detention centers may have contracts with federal agencies to hold juveniles for these jurisdictions (and juveniles under the Interstate Compact law), the compliance report will always show violations in these categories 	<ul style="list-style-type: none"> ➤ Convey to OJJDP the important role federal contracts play in the State's juvenile detention centers' operations, and discuss how these holds will have an affect on Arizona's demonstration of progress toward full compliance with the DSO core requirement 	<ul style="list-style-type: none"> ➤ Utilize OJJDP state representative to discuss impact this policy has on a state's compliance status ➤ Collaboration with community juvenile justice stakeholders and professionals ➤ Review reauthorization language/regulations that deal with Interstate Compact laws and determine if it will impact reported violations

Positives in Addressing Compliance with DSO in Arizona

While it is important to identify the barriers to achieving compliance, it is equally important to highlight the supportive elements the State has encountered that contribute to efforts to reduce the number of DSO violations in Arizona.

- A.R.S. § 8-341 does not provide for the commitment of status offenders (incorrigibles) to the Arizona Department of Juvenile Corrections as a dispositional alternative.
- A.R.S. § 8-305 prohibits the secure detention of an alleged status offender (incorrigible) in an adult jail or lockup.
- Relationship with facilities that fall under the compliance monitoring universe is very cooperative.
- Upon suggestion from the Governor's Division for Children, many local law enforcement agencies have implemented department policies and procedures that either reference the JJDP Act or are in accordance with its core requirements.
- Facilities maintain adequate record-keeping systems regarding juveniles temporarily held in the facility.
- Adult jails and lockups have consulted with the Governor's Division for Children regarding remodeling or building of new facilities to ensure compliance with this regulation is incorporated into the plans (such as ample non-secure areas for status offenders and non-offenders while in the facility).
- Juvenile courts continually communicate with the Arizona Juvenile Justice Commission and the Division for Children regarding strategies to address DSO violations, such as alternatives to detention and the VCO Exception.
- On-going support and increased level of communication with OJJDP.

Role of the State Advisory Group in Monitoring Compliance

The Arizona Juvenile Justice Commission, Arizona's State Advisory Group, reviews compliance issues on a regular basis through the Compliance/Legislative subcommittee. The Committee is apprised of various issues affecting compliance status around the state, and advised of completed and pending site visits. The Arizona Juvenile Justice Commission members are also advised of all compliance monitoring site visits and invited to attend.